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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,597	01/22/2002	Gregory S. Lauer		7140

7590 11/16/2006	EXAMINER
Ansel M. Schwartz	BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
3621	

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DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/054,597	LAUER, GREGORY S.
Office Action Summary	Examiner	Art Unit	
	Bradley B. Bayat	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

This communication is in response to amendment filed on August 28, 2006

- Claims 1, 10 and 19 have been amended.
- Claims 1-19 remain pending.

Response to Amendment

The amendment filed on 8/28/06 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not

supported by the original disclosure is as follows: integration of "closed" service model. The

examiner has reviewed the disclosure and failed to find any reference to a "closed service

model."

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

Applicant's arguments filed August 28, 2006 have been fully considered but they are not

persuasive.

As noted above, the amendments and remarks to claims indicate a "closed" service model

integrated into a single provisioning model (response p. 18). However, the disclosure and the

remarks do not disclose or provide an explanation for the above noted amendment.

El-Fekih discloses that the service contract manager module 102 and QoS manager

module 104 generate one or more service templates that each comprise conformance categories

for a service agreement. The conformance categories may correspond to various quality

parameters, such as an availability category, a delay category, an error category, an MTTR

category, and/or a MTBSO category. Moreover, in particular embodiments of the present

invention, the service agreement may not be unilateral but may also be bilateral and used to bind

a customer to a certain traffic contract. Therefore, the conformance categories may include

customer traffic parameters such as PCR, SCR, CDVT, GCRA, and/or UPC disagreement for

ATM. A threshold range is then associated with each conformance category, which specifies a

range of valid thresholds that may be defined for the particular conformance category [0103-

104].

El-Fekih further discloses that the service management system 24 and/or data processing

system(s) supporting the client applications 42, the capacity planning applications 44, the billing

applications 46, and the service provisioning applications 48 may be configured with

computational, storage, and control program resources for managing service quality, in

accordance with the present invention. Thus, the service management system 24 and the data

processing system(s) supporting the client applications 42, the capacity planning applications 44,

the billing applications 46, and the service provisioning applications 48 may each be

implemented as a single processor system, a multi-processor system, or even a network of stand-

alone computer systems 0035].

The following is incorporated from the previous action by the examiner in response to

applicant's arguemtns:

Applicant argues that in light of the amendment to the claims, the cited reference (El

Fekih et al., US 2002/0039352 A1) fails to anticipate the claims since it does not provide for

each element. Particularly, applicant contends that El-Fekih does not teach or suggest using a

first graphical user interface for one of the traffic classes or for using a second graphical user

interface for a second of the traffic classes to obtain an indication there of (response p. 16-17).

The examiner respectfully disagrees.

As disclosed by El Fekih and actually provided in the claims of the cited reference, "one

or more service templates may be generated [0014]." In fact, El Fekih discloses, "although an

SLA is typically based on a service entity, such as a VPN, the various quality parameters may be

VPN based, VC based, and/or NI based. Embodiments of the present invention may be used to

manage a SLA between a service provider and a customer of the service provider by first

generating an SLA template or package, similar to a service package, and then associating the

SLA template with the particular customer and service to create a SLA contract [0102]." A

"service contract manager module 102 and QoS manager module 104 **generate one or more**

service templates that each comprise conformance categories for a service agreement. The

conformance categories may correspond to various quality parameters, such as an availability

category, a delay category, an error category, an MTTR category, and/or a MTBSO category.

Moreover, in particular embodiments of the present invention, the service agreement may not be

unilateral but may also be bilateral and used to bind a customer to a certain traffic contract.

Therefore, the conformance categories may include customer traffic parameters such as PCR,

SCR, CDVT, GCRA, and/or UPC disagreement for ATM. A threshold range is then associated

with each conformance category, which specifies a range of valid thresholds that may be defined

for the particular conformance category [0103, emphasis added]."

In fact, El Fekih discloses, "a service provider and/or customer through the service

contract viewer module 154 provides input to the service contract manager to **select a particular**

service template that will be used to generate a SLA contract. The service provider and/or

customer may then, at block 266, enter thresholds via the QoS viewer module 156 for each of the

conformance categories in the **selected service template** that are within the range of valid

thresholds specified at block 262. These thresholds will be received by the QoS manager module

104 and used by the VPN topology manager module 108 to determine whether the service and/or

the network 22 quality and performance complies with the SLA contract. To generate the SLA

contract, the service contract manager module 102 associates the selected service template and

thresholds with a specific customer VPN at block 268 [0104, emphasis added]."

Therefore, applicant's argument of providing more than one GUI template is without

merit, since El Fekih anticipates that multiple service templates may be generated for

corresponding conformance categories for a service agreement. Moreover, El Fekih discloses

that the service management system may be used to generate a configuration for carrying a

proposed traffic stream, wherein for instance, a client provides a proposed traffic description to

the traffic shaping advisor module. Accordingly, applicant's contention that El Fekih merely

anticipates a single GUI template in managing service is without merit.

Claim Rejections - 35 USC § 112

Claims 1, 10 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. The amendments to the claims identify "closed" service models; the

specification fails to describe a "closed" service model.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Fekih et

al. (hereinafter El-Fekih), US 2002/0039352 A1.

As per the following claims, El-Fekih discloses:

1. A method for generating node configuration data, comprising: forming a service level

agreement template that integrates closed and pipe service models into a single provisioning

model, said forming including determining a plurality of traffic classes, determining at least one

required input for a first graphical user interface, and determining at least one required input for

a second graphical user interface; obtaining service level agreement constraints for at least one

service level agreement, said obtaining including generating said first graphical user interface,

obtaining, through said first graphical user interface, indication of a selected one of said plurality

of traffic classes, obtaining, through said second graphical user interface, at least one value

associated with said at least one required input for said second graphical user interface,

generating said second graphical user interface, and obtaining, through said second graphical

user interface, at least one value associated with said at least one required input for said second

graphical user interface; and generating, responsive to said selected one of said plurality of

traffic classes, said at least one value associated with said at least one required input for said first

graphical user interface, and said at least one value associated with said at least one required

input for said second graphical user interface, node configuration data, said node configuration

data describing how at least one resource in at least one networking device is to be configured to

support at least one network service described by said selected one of said plurality of traffic

classes, said at least one value associated with said at least one required input for said first

graphical user interface (¶14-21; 43-48, 101-114; figures 15, 18-20 and associated text).

2. The method of claim 1, further comprising: determining at least one default equation

associated with said first graphical user interface; applying said default equation to said at least

one value associated with said at least one required input for said first graphical user interface to

generate a first set of outputs; and wherein said generating said node configuration data is further

responsive to said first set of outputs (¶39, 83-98).

3. The method of claim 1, said forming said service level agreement template further comprising:

determining at least one optional input for said first graphical user interface; determining at least

one format of at least one screen display in said first graphical user interface, wherein said at

least one screen format includes a first field associated with said required input for said first

graphical user interface and a second field associated with said optional input for said second

graphical user interface; and wherein said generating said first graphical user interface includes

displaying said at least one screen display (figures 1 and associated text, ¶40-42, 104-110).

4. The method of claim 2, wherein said at least one default equation comprises program code

(¶70-87; figures 3-6 and associated text).

5. The method of claim 1, wherein said determining said at least one required input for said

second graphical user interface further comprises determining required information describing at least one resource associated with at least one networking device, wherein said required information associated with said at least one resource describes, at least in part, a virtual private network (figures 18-20 and associated text).

6. The method of claim 5, wherein said required information describing said at least one resource comprises a virtual network identifier (¶37-57).

7. The method of claim 5, wherein said required information describing said at least one resource comprises an indication of whether connectivity is required between said at least one networking device and a second networking device (figure 7 and associated text).

8. The method of claim 1, wherein said forming said service level agreement template further includes: determining at least one optional input for said second graphical user interface, determining at least one format of at least one screen display in said second graphical user interface, wherein said at least one screen format includes a first field associated with said required input for said second graphical user interface and a second field associated with said at least one optional input for said second graphical user interface; and wherein said generating said second graphical user interface includes displaying said at least one screen display in said second graphical user interface responsive to said at least one format (¶32-52).

9. The method of claim 1, wherein said forming a service level agreement template comprises

receiving at least one input through a third graphical user interface (¶50).

Claims 10-19 are directed to a system of the above claimed method and are rejected as above.

Examiner has pointed out particular references contained in the prior arts of record in

the body of this action for the convenience of the applicant. Although the specified citations

are representative of the teachings in the art and are applied to the specific limitations within

the individual claim, other passages and figures may apply as well. It is respectfully requested

from the applicant, in preparing the response, to consider fully the entire references as

potentially teaching all or part of the claimed invention, as well as the context of the passage

as taught by the prior arts or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

　　　　The prior art made of record and not relied upon is considered **pertinent** to applicant's

disclosure: U.S. Patent 6,822,940 B1 to Zavalkovsky et al.

　　　　Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The

examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

　　　　If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

　　　　Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bradley B. Bayat
Patent Examiner
Art Unit 3621